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## Ship's Chief Engineer Sentenced in Vessel Pollution Case

### ***Defendant ignored pollution controls and made false statements to the Coast Guard***

WASHINGTON—Mark Humphries, the former chief engineer of the M/V Tanabata, an American-flagged car-carrier ship based in Baltimore, was sentenced today in U.S. District Court in Baltimore to six months in prison for conspiracy to make illegal discharges of oily waste and lying to the Coast Guard, announced Ronald J. Tenpas, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division and Rod J. Rosenstein, U.S. Attorney for the District of Maryland.

At trial, it was proven that the M/V Tanabata had a removable bypass pipe that was used to discharge oily waste without the use of an oily-water separator, a required pollution control device on ocean-going vessels. Humphries' former subordinates, including other engineers, testified that he did not use the oily water separator. Humphries referred to the bypass pipe as the "illegal pipe" and directed that it be hidden when the ship was in port so that it would not be discovered by the Coast Guard.

According to papers filed in court by the prosecutors, Humphries deliberately bypassed the pollution prevention equipment on the Tanabata, then concealed the crime by making false entries in the ship's official Oil Record Book, a required log regularly inspected by the Coast Guard. This practice involved a number of subordinate crew members of the engine department, including students at U.S. maritime academies receiving on-the-job training as "Cadets." Prosecutors also advised the Court that Humphries had participated in and directed similar criminal conduct on two other ships.

Humphries was convicted by a jury on Oct. 16, 2007, for conspiring to violate four different laws including making illegal discharges of bilge waste, in violation of the Act to Prevent Pollution from Ships; failing to fully maintain an oil record book, in violation of the Act to Prevent Pollution from Ships; making and using materially false documents; and obstruction of agency proceedings. The jury also found the defendant guilty on two counts of making materially false statements to the Coast Guard in 2002 and 2003.

Humphries was chief engineer of the M/V Tanabata between April 2002 and September 2003, during which period he traded shifts with the ship's other chief engineer, co-defendant Stephen Karas. Karas pleaded guilty to similar charges on March 29, 2007, and is awaiting sentencing. In addition to six months imprisonment, Humphries was sentenced to \$1,000 fine and two years supervised released.

"Deliberate violations of the environmental laws protecting our oceans will not be tolerated," said Assistant Attorney General Tenpas. "The crimes in this conspiracy involved deliberate falsification of ship records to conceal the illegal discharge of tons of oily waste. This type of criminal conduct is all too frequent and the Justice Department and the Coast Guard will continue to work together to stem the tide of intentional pollution from ships."

Maryland U.S. Attorney Rod J. Rosenstein said, "The Department of Justice is working diligently with

the Coast Guard and the Environmental Protection Agency to prosecute people and corporations responsible for polluting our waterways.”

“Protecting the maritime environment is a mission the U.S. Coast Guard performs every day. Uncovering illegal operations such as this one and bringing the perpetrators to justice requires a coordinated effort,” said Captain David Lersch, Chief, Prevention Division, Fifth Coast Guard District. “We will continue to aggressively search for and uncover illegal environmental discharges that are affecting oceans throughout the globe.”

“Commercial vessels must operate safely and lawfully,” said David Dillon, Special Agent in Charge of EPA's Criminal Investigation Division in Philadelphia. “Any one who pollutes the oceans or waterways by using them as dumping grounds for oily water or other hazardous wastes will be prosecuted, convicted and punished for their environmental crimes.”

The M/V Tanabata was operated by Pacific Gulf Marine, Inc. (PGM). PGM pleaded guilty and was sentenced on Jan. 27, 2007, to charges of making illegal discharges of oil-contaminated waste from each of four ships managed by the company. After learning of the investigation, PGM conducted and voluntarily disclosed the results of an internal investigation and cooperated with investigators and prosecutors. PGM was sentenced to pay a \$1 million criminal fine and \$500,000 in community service payments, and to serve three years probation under the terms of an Environmental Compliance Program that includes audits by an outside firm and review by a court appointed monitor. In addition to Humphries and Karas, two other chief engineers have also pleaded guilty to similar crimes.

This investigation was conducted by the Chesapeake Regional Office of the Coast Guard Investigative Service and the EPA Criminal Investigation Division. Additional assistance was provided by the Coast Guard Sector Baltimore, U.S. Coast Guard Activities Europe, U.S. Coast Guard Fifth District Legal Office, Coast Guard Office of International and Maritime Law, and Coast Guard headquarters Office of Investigations and Analysis. The case was prosecuted by Trial Attorney Malinda R. Lawrence and Senior Trial Attorney Richard A. Udell of the Justice Department's Environmental Crimes Section, with assistance from Assistant U.S. Attorneys Tonya K. Kowitz and P. Michael Cunningham of the U.S. Attorney's Office for the District of Maryland.

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